

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
JANUARY 7, 2014**

**CALL TO
ORDER**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Board members present were Ole Netteberg, Mark Hash, Cal Dyck and Roger Noble. Gina Klempel had an excused absence. Eric Mack, George Ferris and BJ Grieve represented the Flathead County Planning & Zoning Office.

There was one person in the audience.

**ELECTION OF
OFFICERS**

Hash suggested since the full board was not present they postpone the election of officers to the next meeting.

**MAIN MOTION
TO POSTPONE
ELECTION OF
OFFICERS**

Hash made a motion to postpone the election of officers to the February 4, 2014 meeting.

**VOTE TO
POSTPONE
ELECTION OF
OFFICERS**

The motion passed unanimously.

**APPROVAL OF
MINUTES**

Dyck motioned and Netteberg seconded to approve the October 1, 2013 minutes. The motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**JOHN
CAVENDER /
VALLEY
MOTORS
(FZV 13-03)**

A request by John Cavender of Valley Motors for a Zoning Variance to property within the Evergreen Zoning District zoned B-2 (General Business). The applicant is requesting a variance to Section 3.17.040(3)(A), "Bulk and Dimensional Requirements", of the Flathead County Zoning Regulations. The property is located at 104 Poplar Drive.

STAFF REPORT

Mack reviewed Staff Report FZV 13-03 for the Board.

**BOARD
QUESTIONS**

None.

**APPLICANT
PRESENTATION**

Lauretta Olsen, 2820 Helena Flats Road, owner of the property, said it would be less expensive to grant a variance than to tear down part of the porch. The structure had been in place for over 10 years. It had not bothered the neighbor during that time.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

None.

**BOARD
QUESTIONS**

Netteberg, Ferris and Grieve discussed the location of a detached shed on the property.

Dyck and staff discussed if the north and south location pins had changed with the division of the property and when the pins were set. They also discussed how the property was measured originally and if the applicants had talked with the Highway Department concerning where easements were located.

Hash described what the goal of the board was. He had some problems with how the applicants decided the size of the lot. The planning office had been as accommodating as possible. The board had to follow the rules. In this case to grant a variance, the applicant had to meet all the criteria for a variance. If they could have met the criteria, it would have been stated in the findings of fact.

Staff and Hash discussed if there had been any changes in the findings of fact and the written public comment received before the meeting.

Netteberg noted there was a for rent sign in front of the house of the complainant.

Ferris said there had not been a for rent sign in front of the house in the last couple of weeks.

Noble and staff discussed the public comment which stated adverse effects on the neighbors was a factor, who now occupied the house and how would finding of fact #7 be changed to reflect the impact on neighbors.

Netteberg and Olsen discussed if she owned the building on the

property as well or if the applicant leased the property from her.

Hash asked Grieve to review process for the board.

Grieve reviewed the process the board should follow for the application.

**MAIN MOTION
TO AMEND
FINDING OF
FACT #8 AND
ADOPT F.O.F.
(FZV 13-03)**

Dyck made a motion seconded by Netteberg to amend finding of fact #7 to read:

~~1. Granting of the variance request would not have a significant impact on neighboring properties or the public because the deck is not visible from the neighbor's house, the complainant was willing to withdraw the complaint, the deck does not interfere with sight distance along Poplar Drive and the deck is not visible from U.S. Highway 2.~~

7. Granting the variance will adversely affect the neighboring properties do to comments received at the public hearing dated January 6, 2014 in which the neighbor Lori A. Barrett alleges that the granting of the requested variance would greatly affect her property and deprive her of her property rights.

And adopt staff report FZV 13-03 as findings-of-fact.

**BOARD
DISCUSSION**

None.

**ROLL CALL TO
AMEND
FINDING OF
FACT #8 AND
ADOPT F.O.F.
(FZV 13-03)**

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Netteberg said the board was relegated to grant a variance only if all the criteria for a variance were met. Four of the nine criteria were not met before the amendment of finding of fact #7. Now five criteria were not met.

**MAIN MOTION
TO DENY
(FZV 13-03)**

Netteberg made a motion seconded by Noble to deny FZV 13-03.

**BOARD
DISCUSSION**

None.

**ROLL CALL
VOTE TO DENY
(FZV 13-03)**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

The meeting was adjourned at approximately 6:33 pm. on a motion by Dyck. The next meeting will be held at 6:00 p.m. on February 4, 2014.

Mark Hash, Chairman

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: _____ / _____ / 14